



General Assembly

February Session, 2000

***Amendment***

LCO No. 3867

Offered by:

REP. DIAZ, 130th Dist.

To: House Bill No. 5583

File No. 143

Cal. No. 152

***"An Act Minimizing Air Emissions At Power Plants."***

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- 1 In line 1, before "(NEW)" insert "Section 1."
- 2 After line 16, add the following:
- 3 "Sec. 2. (NEW) (a) As used in this section:
- 4 (1) "Municipality" means each town, city, borough, consolidated
- 5 town and city and consolidated town and borough and each district, as
- 6 defined in section 7-324 of the general statutes; and
- 7 (2) "Next succeeding" means the second such date.
- 8 (b) For a period of ten years beginning with the assessment year
- 9 during which the value of an electric generation facility decreases as a
- 10 direct result of compliance with the requirements of subsection (a) of
- 11 section 1 of this act, but in no event later than October 1, 2005, the
- 12 municipality in which the facility is located shall be entitled, in
- 13 addition to the amount of tax for which the owner of an electric
- 14 generation facility is liable under this chapter with respect to such

15 facility, to an amount as computed in subsection (c) of this section.

16 (c) (1) The additional amount shall be a percentage of (A) the  
17 difference between the value of an electric generation facility as it  
18 would have been assessed were it not for said compliance taking into  
19 account depreciation and the assessed value of such facility, (B)  
20 multiplied by the mill rate of the municipality in which the facility is  
21 located for the applicable assessment year, (C) minus the amount of  
22 any increase in property tax revenues to such municipality as a result  
23 of any increase in value of the facility or an additional electric  
24 generation facility in the municipality.

25 (2) The assessor or board of assessors shall calculate the additional  
26 amount as follows: (A) For the assessment year during which the value  
27 of such facility decreased as a direct result of said compliance, ninety  
28 per cent of the amount computed under subdivision (1) of this  
29 subsection; and (B) for each assessment year thereafter, ten per cent  
30 less for each succeeding year until the percentage is zero.

31 (d) On or before June fifteenth, annually, following the assessment  
32 year during which the value of an electric generation facility decreases  
33 as a direct result of compliance with the requirements of subsection (a)  
34 of section 1 of this act, the assessor or board of assessors of a  
35 municipality in which such a facility is located shall certify to the  
36 Secretary of the Office of Policy and Management, on a form furnished  
37 by the secretary, the amount as computed in subsection (c) of this  
38 section together with supporting information as the secretary may  
39 require. The secretary may reevaluate any such facility when, in the  
40 secretary's judgment, the valuation is inaccurate. The secretary shall  
41 review each claim and modify the value of any facility included  
42 therein when, in the secretary's judgment, the value is inaccurate or the  
43 facility did not decrease in value as a direct result of compliance with  
44 the requirements of subsection (a) of section 1 of this act. Not later than  
45 December first next succeeding the conclusion of the assessment year  
46 for which the amount was approved by the assessor or assessors, the  
47 secretary shall notify the municipality in which the facility is located of

48 the modification, in accordance with the procedure set forth in  
49 subsection (e) of this section. The secretary shall, on or before  
50 December fifteenth, annually, certify to the Office of Policy and  
51 Management the amount due the municipality under the provisions of  
52 this section, including any modification of such amount made prior to  
53 December first, and the office shall provide the payment of such  
54 amount to the municipality in which the facility is located on or before  
55 the thirty-first day of the December immediately following.

56 (e) If the Secretary of the Office of Policy and Management modifies  
57 the amount calculated by the assessor or board of assessors pursuant  
58 to subsection (c) of this section, the secretary shall send written notice  
59 of such modification to the appropriate municipality. Not later than  
60 thirty days after the date the municipality receives such notice, the  
61 municipality may make application for a hearing before said secretary  
62 or the secretary's designee. Such application shall be in writing and  
63 shall set forth the reasons why the amount in question should not be  
64 modified. The secretary shall grant or deny such hearing request by  
65 written notice to the municipality. If a request for hearing is denied by  
66 the secretary such notice shall contain a statement of the reason for  
67 said denial. Not later than sixty days after the date on which a hearing  
68 is held, said secretary shall send notice of his decision concerning such  
69 appeal to the municipality. If the municipality is aggrieved by the  
70 secretary's decision concerning the disposition of the municipality's  
71 appeal or the secretary's decision not to hold a hearing, such  
72 municipality may, not later than thirty days after receiving a notice  
73 related thereto from the secretary, make application in the nature of an  
74 appeal to the superior court of the judicial district in which the electric  
75 generation facility is located. Such application shall be accompanied by  
76 a citation to the secretary to appear before said court, and shall be  
77 served and returned in the same manner as is required in the case of a  
78 summons in a civil action. Said court may grant such relief as may be  
79 equitable."